

IV. REMARKS

Claims 1, 7, 13 and 14 have been amended. Claim 2 has been cancelled without prejudice. Claims 1 and 3 - 15 remain pending in the instant application.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Brand et al. (U.S. Patent 4,760,674).

Claim 1 recites a water-barrier and drainage system for preventing the penetration of water vapor and ground water into the crawlspace environment of a building, said crawlspace environment having a floor surrounded by a substantially continuous peripheral foundation enclosing said crawlspace environment beneath the building, said system comprising a continuous embossed plastic drainage panel disposed against an upward facing surface of the floor so that the panel covers the upward facing surface of the entire floor of the crawlspace so that the panel defines a continuous barrier surface that prevents penetration of ground water and water vapor there through and prevents penetration of groundwater and water vapor up through the floor and into the air space of the crawlspace. The plastic drainage panel is claimed being embossed to provide a plurality of spaced protuberances at the underside thereof forming legs which support the drainage panel spaced from the floor of the crawlspace to provide a water flow space adjacent the floor for the drainage of water and water vapor which penetrates up through the floor of the crawlspace or through the walls of the crawlspace. As claimed, the drainage panel includes vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface to provide a continuous barrier against the penetration

of exterior groundwater through said foundation and water vapor from said floor and into said crawlspace environment while providing a water flow space between the drainage panel and the foundation and floor for the escape of water and water vapor from beneath the drainage panel.

Brand et al. (U.S. Patent 4,760,674) discloses a structural foundation having a moisture pervious layer in contact with soil and a overlying fluid gathering member located beneath a foundation slab.

No where in Brand et al. (U.S. Patent 4,760,674) is there a disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface to provide a continuous barrier against the penetration of exterior groundwater through said foundation and water vapor from said floor and into said crawlspace environment while providing a water flow space between the drainage panel and the foundation and floor for the escape of water and water vapor from beneath the drainage panel as claimed in claim 1. Instead, Brand et al. (U.S. Patent 4,760,674) discloses a structural foundation having a moisture pervious layer in contact with soil and a overlying fluid gathering member located beneath a foundation slab with no disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface as claimed in claim 1. For the reasons set forth, the features of claim 1 are neither disclosed or suggested by Brand et al. (U.S. Patent 4,760,674). Accordingly, claim 1 is patentable over Brand et al. (U.S. Patent 4,760,674).

Claims 1 and 3 were rejected under 35 U.S.C. 102(b) as being anticipated by Mogstad (U.S. Patent 5,107,642).

Mogstad (U.S. Patent 5,107,642) discloses a foundation wall membrane having an irregular surface sealed against the outer surface of the foundation wall.

No where in Mogstad (U.S. Patent 5,107,642) is there a disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface to provide a continuous barrier against the penetration of exterior groundwater through said foundation and water vapor from said floor and into said crawlspace environment while providing a water flow space between the drainage panel and the foundation and floor for the escape of water and water vapor from beneath the drainage panel as claimed in claim 1. Instead, Mogstad (U.S. Patent 5,107,642) discloses a foundation wall membrane having an irregular surface sealed against the outer surface of the foundation wall with no disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface as claimed in claim 1. For the reasons set forth, the features of claim 1 are neither disclosed or suggested Mogstad (U.S. Patent 5,107,642). Accordingly, claim 1 is patentable over Mogstad (U.S. Patent 5,107,642).

Claim 3 depends upon claim 1. For the reasons set forth above, claim 1 is patentable. Accordingly claim 3 is patentable under 35 U.S.C. 102(b) over Mogstad (U.S. Patent 5,107,642).

Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Brand et al. (U.S. Patent 4,760,674) in view of Moisture Control Handbook "New, Low-Rise, Residential Construction" by Joseph Lstiburek with John Carmody, October 1991.

Claim 2 depends upon claim 1. For the reasons set forth above relating to claim 1, the features of claim 2 neither disclosed or suggested by Brand et al. (U.S. Patent 4,760,674) either alone or in combination with Moisture Control Handbook "New, Low-Rise, Residential Construction" by Joseph Lstiburek with John Carmody, October 1991. Accordingly, claim 2 is patentable under 35 U.S.C. 103(a) over Brand et al. (U.S. Patent 4,760,674) in view Moisture Control Handbook "New, Low-Rise, Residential Construction" by Joseph Lstiburek with John Carmody, October 1991.

Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Mogstad (U.S. Patent 5,107,642) in view of Moisture Control Handbook "New, Low-Rise, Residential Construction" by Joseph Lstiburek with John Carmody, October 1991.

Claim 2 depends upon claim 1. For the reasons set forth above relating to claim 1, the features of claim 2 neither disclosed or suggested by Mogstad (U.S. Patent 5,107,642) either alone or in combination with Moisture Control Handbook "New, Low-Rise, Residential Construction" by Joseph Lstiburek with John Carmody, October 1991. Accordingly, claim 2 is patentable under 35 U.S.C. 103(a) over Mogstad (U.S. Patent 5,107,642) in view of Moisture Control Handbook "New, Low-Rise, Residential Construction" by Joseph Lstiburek with John Carmody, October 1991.

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Brand et al. (U.S. Patent 4,760,674) in view of Mogstad (U.S. Patent 5,107,642).

Claim 3 depends upon claim 1. For the reasons set forth above relating to claim 1, the features of claim 2 neither disclosed or suggested by Brand et al. (U.S. Patent 4,760,674) either alone or in combination with Mogstad (U.S. Patent 5,107,642). Accordingly, claim 3 is patentable under 35 U.S.C. 103(a) over Brand et al. (U.S. Patent 4,760,674) in view of Mogstad (U.S. Patent 5,107,642).

Claims 4-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brand et al. (U.S. Patent 4,760,674) in view of Jennemann (U.S. Patent 5,836,815).

Claims 4-6 depend upon claim 1. For the reasons set forth above relating to claim 1, the features of claims 4-6 are neither disclosed or suggested by Brand et al. (U.S. Patent 4,760,674) either alone or in combination with Jennemann (U.S. Patent 5,836,815). Accordingly, claims 4-6 are patentable under 35 U.S.C. 103(a) over Brand et al. (U.S. Patent 4,760,674) in view of Jennemann (U.S. Patent 5,836,815).

Claims 4-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mogstad (U.S. Patent 5,107,642) in view of Jennemann (U.S. Patent 5,836,815).

Claims 4-6 depend upon claim 1. For the reasons set forth above relating to claim 1, the features of claims 4-6 are neither disclosed or suggested by Mogstad (U.S. Patent 5,107,642) either alone or in combination with Jennemann (U.S. Patent 5,836,815).

Accordingly, claims 4-6 are patentable under 35 U.S.C. 103(a) over Mogstad (U.S. Patent 5,107,642) in view of Jennemann (U.S. Patent 5,836,815).

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Brand et al. (U.S. Patent 4,760,674) in view of Moisture Control Handbook "New, Low-Rise, Residential Construction" by Joseph Lstiburek with John Carmody, October 1991 and the publication "Sealed Crawl Space Specifications by Craig DeWitt, PhD, PE, Published August 20, 2001.

Claim 12 depends upon claim 1. For the reasons set forth above relating to claim 1, the features of claim 12 are neither disclosed or suggested by Brand et al. (U.S. Patent 4,760,674) either alone or in combination with Moisture Control Handbook "New, Low-Rise, Residential Construction" by Joseph Lstiburek with John Carmody, October 1991 and the publication "Sealed Crawl Space Specifications by Craig DeWitt, PhD, PE, Published August 20, 2001. Accordingly, claim 12 is patentable under 35 U.S.C. 103(a) over Brand et al. (U.S. Patent 4,760,674) in view of Moisture Control Handbook "New, Low-Rise, Residential Construction" by Joseph Lstiburek with John Carmody, October 1991 and the publication "Sealed Crawl Space Specifications by Craig DeWitt, PhD, PE, Published August 20, 2001.

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Mogstad (U.S. Patent 5,107,642) in view of Moisture Control Handbook "New, Low-Rise, Residential Construction" by Joseph Lstiburek with John Carmody, October 1991 and the publication "Sealed Crawl Space Specifications by Craig DeWitt, PhD, PE, Published August 20, 2001.

Claim 12 depends upon claim 1. For the reasons set forth above relating to claim 1, the features of claim 12 are neither disclosed or suggested by Mogstad (U.S. Patent 5,107,642) either alone or in combination with Moisture Control Handbook "New, Low-Rise, Residential Construction" by Joseph Lstiburek with John Carmody, October 1991 and the publication "Sealed Crawl Space Specifications by Craig DeWitt, PhD, PE, Published August 20, 2001. Accordingly, claim 12 is patentable under 35 U.S.C. 103(a) over Mogstad (U.S. Patent 5,107,642) in view of Moisture Control Handbook "New, Low-Rise, Residential Construction" by Joseph Lstiburek with John Carmody, October 1991 and the publication "Sealed Crawl Space Specifications by Craig DeWitt, PhD, PE, Published August 20, 2001.

Claims 7-10 and 13-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brand et al. (U.S. Patent 4,760,674) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991.

Claim 7 recites a water-barrier and drainage system for preventing the penetration of water vapor and ground water into the crawlspace environment of a building, said crawlspace environment having a floor surrounded by a substantially continuous peripheral foundation enclosing said crawlspace environment beneath the building, said system comprising a continuous embossed plastic drainage panel disposed against an upward facing surface of the floor so that the panel covers the entire upward facing surface of the floor of the crawlspace to provide a barrier against the penetration of groundwater and water vapor up through the floor and into the air space of the crawlspace. A plastic drainage panel is claimed being embossed to provide a plurality of spaced protuberances at the underside

thereof forming legs which support the drainage panel spaced from the floor of the crawlspace to provide a water flow space adjacent the floor for the drainage of water and water vapor which penetrates up through the floor of the crawlspace or through the walls of the crawlspace, the water barrier and drainage system comprising an encapsulating system including a continuous sealed plastic liner barrier layer covering the entire drainage panel to provide a barrier against the penetration of groundwater and water vapor through the floor and foundation and into the air space of the crawlspace, said barrier layer having vertical extensions which extend vertically up against the interior peripheral foundation to a height greater than the corresponding ground level at the exterior surface of the foundation and which are bonded to the interior peripheral foundation by a continuous seal adjacent the upper edges of said extensions to provide a continuous barrier against the penetration of exterior groundwater and water vapor through said foundation into said crawlspace environment. As claimed, wherein said drainage panel includes vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface to provide a continuous barrier against the penetration of exterior groundwater through said foundation and water vapor from said floor and into said crawlspace environment while providing a water flow space between the drainage panel and the foundation and floor for the escape of water and water vapor from beneath the drainage panel.

Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991 discloses crawlspace insulation and placement techniques and crawlspace construction details.

No where in Brand et al. (U.S. Patent 4,760,674) either alone or in combination with Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991 is there a disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface to provide a continuous barrier against the penetration of exterior groundwater through said foundation and water vapor from said floor and into said crawlspace environment while providing a water flow space between the drainage panel and the foundation and floor for the escape of water and water vapor from beneath the drainage panel as claimed in claim 7. Instead, Brand et al. (U.S. Patent 4,760,674) discloses a structural foundation having a moisture pervious layer in contact with soil and a overlying fluid gathering member located beneath a foundation slab with no disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface as claimed in claim 7. Instead, Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991 discloses crawlspace insulation and placement techniques and crawlspace construction details with no disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface as claimed in claim 7. For the reasons set forth, the features of claim 7 are neither disclosed or suggested by Brand et al. (U.S. Patent 4,760,674) either alone or in combination with Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991. Accordingly, claim 7 is patentable over Brand et al. (U.S. Patent

4,760,674) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991.

Claims 8-10 depend upon claim 7. For the reasons set forth above, claim 7 is patentable under 35 U.S.C. 103(a) over Brand et al. (U.S. Patent 4,760,674) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991. Accordingly, claims 8-10 are patentable under 35 U.S.C. 103(a) over Brand et al. (U.S. Patent 4,760,674) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991.

Claim 13 recites a water-barrier and drainage system for preventing the penetration of water vapor and ground water into the crawlspace environment of a building, said crawlspace environment having a floor surrounded by a substantially continuous peripheral foundation enclosing said crawlspace environment beneath the building, said system comprising a continuous embossed plastic drainage panel disposed against an upward facing surface of the floor so that the panel covers the entire upward facing surface of the floor of the crawlspace to provide a barrier against the penetration of groundwater and water vapor up through the floor and into the air space of the crawlspace. A plastic drainage panel is claimed being embossed to provide a plurality of spaced protuberances at the underside thereof forming legs which support the drainage panel spaced from the floor of the crawlspace to provide a water flow space adjacent the floor for the drainage of water and water vapor which penetrates up through the floor of the crawlspace or through the walls of the crawlspace. As claimed, said drainage panel includes vertical extensions which extend vertically up

against the interior peripheral foundation to a height above the floor/foundation interface to provide a continuous barrier against the penetration of exterior groundwater through said foundation and water vapor from said floor and into said crawlspace environment while providing a water flow space between the drainage panel and the foundation and floor for the escape of water and water vapor from beneath the drainage panel, in which the surfaces of the vertical extensions of the drainage panel, opposite the surfaces against the foundation are covered by a plastic foam insulation board.

No where in Brand et al. (U.S. Patent 4,760,674) either alone or in combination with Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991 is there a disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface to provide a continuous barrier against the penetration of exterior groundwater through said foundation and water vapor from said floor and into said crawlspace environment while providing a water flow space between the drainage panel and the foundation and floor for the escape of water and water vapor from beneath the drainage panel as claimed in claim 13. Instead, Brand et al. (U.S. Patent 4,760,674) discloses a structural foundation having a moisture pervious layer in contact with soil and a overlying fluid gathering member located beneath a foundation slab with no disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface as claimed in claim 13. Instead, Builder's Foundation Handbook by John Carmody,

Jeffrey Christian and Kenneth Labs, published May 1991 discloses crawlspace insulation and placement techniques and crawlspace construction details with no disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface as claimed in claim 13. For the reasons set forth, the features of claim 13 are neither disclosed or suggested by Brand et al. (U.S. Patent 4,760,674) either alone or in combination with Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991. Accordingly, claim 13 is patentable over Brand et al. (U.S. Patent 4,760,674) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991.

Claim 14 recites a water-barrier and drainage system for preventing the penetration of water vapor and ground water into the crawlspace environment of a building, said crawlspace environment having a floor surrounded by a substantially continuous peripheral foundation enclosing said crawlspace environment beneath the building, said system comprising a continuous embossed plastic drainage panel disposed against an upward facing surface of the floor so that the panel covers the entire upward facing surface of the floor of the crawlspace to provide a barrier against the penetration of groundwater and water vapor up through the floor and into the air space of the crawlspace. A plastic drainage panel is claimed being embossed to provide a plurality of spaced protuberances at the underside thereof forming legs which support the drainage panel spaced from the floor of the crawlspace to provide a water flow space adjacent the floor for the drainage of water and water vapor which penetrates up through the floor of the crawlspace or

through the walls of the crawlspace, in which the foundation wall of the crawlspace is first covered by a plastic foam insulation board, and the edges of the embossed drainage panel covering the floor of the crawlspace are sealed to the insulation board, the water barrier and drainage system further comprising a durable plastic liner barrier layer over the embossed drainage panel on the floor and up over the plastic foam insulation board on the wall of the crawlspace. As claimed, said drainage panel includes vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface to provide a continuous barrier against the penetration of exterior groundwater through said foundation and water vapor from said floor and into said crawlspace environment while providing a water flow space between the drainage panel and the foundation and floor for the escape of water and water vapor from beneath the drainage panel.

No where in Brand et al. (U.S. Patent 4,760,674) either alone or in combination with Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991 is there a disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface to provide a continuous barrier against the penetration of exterior groundwater through said foundation and water vapor from said floor and into said crawlspace environment while providing a water flow space between the drainage panel and the foundation and floor for the escape of water and water vapor from beneath the drainage panel as claimed in claim 14. Instead, Brand et al. (U.S. Patent 4,760,674) discloses a structural foundation having a moisture pervious layer in contact with soil and a overlying fluid gathering member

located beneath a foundation slab with no disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface as claimed in claim 14. Instead, Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991 discloses crawlspace insulation and placement techniques and crawlspace construction details with no disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface as claimed in claim 14. For the reasons set forth, the features of claim 14 are neither disclosed or suggested by Brand et al. (U.S. Patent 4,760,674) either alone or in combination with Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991. Accordingly, claim 14 is patentable over Brand et al. (U.S. Patent 4,760,674) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991.

Claim 15 depends upon claim 14. For the reasons set forth above, claim 14 is patentable under 35 U.S.C. 103(a) over Brand et al. (U.S. Patent 4,760,674) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991. Accordingly, claim 15 is patentable under 35 U.S.C. 103(a) over Brand et al. (U.S. Patent 4,760,674) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991.

Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Brand et al. (U.S. Patent 4,760,674) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian

and Kenneth Labs, published May 1991 and further in view of Mogstad (U.S. Patent 5,107,642).

Claim 11 depends upon claim 7. For the reasons set forth above, the features of claim 7 are neither disclosed or suggested by Brand et al. (U.S. Patent 4,760,674) either alone or in combination with Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991 and Mogstad (U.S. Patent 5,107,642). Accordingly, claim 11 is patentable under 35 U.S.C. 103(a) over Brand et al. (U.S. Patent 4,760,674) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991 and further in view of Mogstad (U.S. Patent 5,107,642).

Claims 7-11 and 13-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mogstad (U.S. Patent 5,107,642) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991.

No where in Mogstad (U.S. Patent 5,107,642) either alone or in combination with Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991 is there a disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface to provide a continuous barrier against the penetration of exterior groundwater through said foundation and water vapor from said floor and into said crawlspace environment while providing a water flow space between the drainage panel and the foundation and floor for the escape of water and water vapor from beneath the drainage panel as claimed in claim 7. Instead, Mogstad (U.S. Patent 5,107,642) discloses a foundation wall

membrane having an irregular surface sealed against the outer surface of the foundation wall with no disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface as claimed in claim 7. Instead, Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991 discloses crawlspace insulation and placement techniques and crawlspace construction details with no disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface as claimed in claim 7. For the reasons set forth, the features of claim 7 are neither disclosed or suggested by Mogstad (U.S. Patent 5,107,642) either alone or in combination with Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991. Accordingly, claim 7 is patentable over Mogstad (U.S. Patent 5,107,642) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991.

Claims 8-11 depend upon claim 7. For the reasons set forth above, claim 7 is patentable under 35 U.S.C. 103(a) over Mogstad (U.S. Patent 5,107,642) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991. Accordingly, claims 8-11 are patentable under 35 U.S.C. 103(a) over Mogstad (U.S. Patent 5,107,642) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991.

No where in Mogstad (U.S. Patent 5,107,642) either alone or in combination with Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991 is there a

disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface to provide a continuous barrier against the penetration of exterior groundwater through said foundation and water vapor from said floor and into said crawlspace environment while providing a water flow space between the drainage panel and the foundation and floor for the escape of water and water vapor from beneath the drainage panel as claimed in claim 13. Instead, Mogstad (U.S. Patent 5,107,642) discloses a foundation wall membrane having an irregular surface sealed against the outer surface of the foundation wall with no disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface as claimed in claim 13. Instead, Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991 discloses crawlspace insulation and placement techniques and crawlspace construction details with no disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface as claimed in claim 13. For the reasons set forth, the features of claim 13 are neither disclosed or suggested by Mogstad (U.S. Patent 5,107,642) either alone or in combination with Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991. Accordingly, claim 13 is patentable over Mogstad (U.S. Patent 5,107,642) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991.

No where in Mogstad (U.S. Patent 5,107,642) either alone or in combination with Builder's Foundation Handbook by John Carmody,

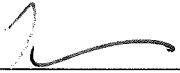
Jeffrey Christian and Kenneth Labs, published May 1991 is there a disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface to provide a continuous barrier against the penetration of exterior groundwater through said foundation and water vapor from said floor and into said crawlspace environment while providing a water flow space between the drainage panel and the foundation and floor for the escape of water and water vapor from beneath the drainage panel as claimed in claim 14. Instead, Mogstad (U.S. Patent 5,107,642) discloses a foundation wall membrane having an irregular surface sealed against the outer surface of the foundation wall with no disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface as claimed in claim 14. Instead, Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991 discloses crawlspace insulation and placement techniques and crawlspace construction details with no disclosure or suggestion of a drainage panel having vertical extensions which extend vertically up against the interior peripheral foundation to a height above the floor/foundation interface as claimed in claim 14. For the reasons set forth, the features of claim 14 are neither disclosed or suggested by Mogstad (U.S. Patent 5,107,642) either alone or in combination with Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991. Accordingly, claim 14 is patentable over Mogstad (U.S. Patent 5,107,642) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991.

Claim 15 depends upon claim 14. For the reasons set forth above, claim 14 is patentable under 35 U.S.C. 103(a) Mogstad (U.S. Patent 5,107,642) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991. Accordingly, claim 15 is patentable under 35 U.S.C. 103(a) over Mogstad (U.S. Patent 5,107,642) in view of Builder's Foundation Handbook by John Carmody, Jeffrey Christian and Kenneth Labs, published May 1991.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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12/9/09
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